

1 DOUGLAS M. FUCHS, SBN 196371
2 Gibson, Dunn & Crutcher LLP
3 333 South Grand Avenue
4 Los Angeles, CA 90071-3197
5 Telephone: 213.229.7605
6 Facsimile: 213.229.6605
7 dfuchs@gibsondunn.com

8 Attorney for Defendant

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10
11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA

15 v.

16 CHIEN CHUNG CHEN,
17 a/k/a ANDREW CHEN,
18
19 Defendant.

20 CASE NO. CR 11-0166 RS

21
22 **STIPULATION AND [PROPOSED] ORDER
23 TO CONTINUE SENTENCING HEARING**

24 The defendant Chien Chung Chen, a/k/a Andrew Chen, was charged by Information on March
25 22, 2011 with one count of violation of the Sherman Antitrust Act, 15 U.S.C. § 1. Mr. Chen was
26 charged for his participation in a price-fixing conspiracy involving aftermarket auto lights. The
27 Honorable Richard Seeborg accepted Mr. Chen's guilty plea on June 7, 2011. Mr. Chen is currently
28 scheduled to be sentenced on January 15, 2013.

29 Attorneys for the United States and for Mr. Chen have conferred and have agreed to continue
30 Mr. Chen's sentencing hearing until February 5, 2013 at 2:30 pm. Under Mr. Chen's plea agreement,
31 which is pursuant to Fed. R. Crim. P. 11(c)(1)(B), Mr. Chen is obligated to continue to cooperate
32 with the government's ongoing investigation and prosecution relating to price-fixing in the
33 aftermarket auto lights industry. Under Mr. Chen's plea agreement, the United States may move for
34 a downward departure pursuant to U.S.S.G. § 5K1.1 if the United States determines that Mr. Chen
35 has provided substantial assistance in any investigations or prosecutions.

1 Postponing Mr. Chen's sentencing hearing from January 15, 2013 to February 5, 2013, will
2 allow the parties to meet and confer concerning Mr. Chen's cooperation and substantial assistance;
3 will allow the United States to fully evaluate and advise the Court as to Mr. Chen's cooperation and
4 substantial assistance; and will allow counsel for Mr. Chen to advise the Court on an appropriate
5 sentence for Mr. Chen.

6 Pursuant to Crim. L.R. 32-2(a)(2) and (3), the parties have conferred with United States
7 Probation Officer Charlie Mabie, who is assigned to this case, and with Courtroom Deputy Corrine
8 Lew. Mr. Mabie agrees to this continuance and is available on February 5, 2013. Ms. Lew has
9 advised that February 5, 2013 is available on Judge Seeborg's calendar.

10

11 **SO STIPULATED.**

12 Dated: November 28, 2012

13

14 By: /s/ Douglas Fuchs
15 Douglas Fuchs
16 GIBSON, DUNN & CRUTCHER LLP
17
18 Attorney for Defendant

19 Dated: November 28, 2012

20 /s/ Jacklin Chou Lem
21 Jacklin Chou Lem
Howard J. Parker
May Lee Heye
Kelsey C. Linnett
Antitrust Division
22 U.S. Department of Justice
450 Golden Gate Avenue
23 Box 36046, Room 10-0101
San Francisco, CA 94102
24 Tel: (415) 436-6660; Fax: (415) 436-6687
25 Jacklin.lem@usdoj.gov

26 Attorneys for the United States

ATTORNEY ATTESTATION

Pursuant to General Order 45, I, Douglas Fuchs, hereby attest that concurrence in the filing of this document has been obtained from Jacklin Chou Lem.

DATED: November 28, 2012

By: /s/ Douglas Fuchs
Douglas Fuchs

~~[PROPOSED]~~ ORDER

For good cause shown, sentencing in the matter, *United States v. Chien Chung Chen a/k/a Andrew Chen*, CR 11-166 RS, is continued to February 5, 2012 at 2:30 p.m.

Dated: 11/29/12


Richard Seeborg

Honorable Richard Seeborg
United States District Court Judge